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2. Belligerents are forbidden to establish fuel depots, either upon the soil of the kingdom, or on vessels stationed in its territorial waters.

3. It is forbidden to equip or arm, within the jurisdiction of the kingdom, any vessel intended to cruise or take part in hostile operations against a Power which is at peace with the kingdom. It is likewise forbidden any vessel to leave the jurisdiction of the kingdom, which is intended to cruise or take part in hostile operations and which may have been adapted for purposes of war, wholly or in part, within the said jurisdiction.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE
REPUBLIC OF PERU AND THE REPUBLIC OF CUBA ¹

Signed at Lima April 24, 1912

The Peruvian Republic and the Republic of Cuba, desirous of maintaining and regulating, in a mutually advantageous and lasting manner, the cordial relations which happily exist between them, have decided to conclude a treaty of friendship, commerce and navigation, and for that purpose they have appointed their respective plenipotentiaries, that is to say:

His Excellency, the President of the Peruvian Republic: His Excellency, the Minister of Foreign Affairs, Señor Doctor Don German Leguía y Martínez,

And His Excellency, the President of the Republic of Cuba: His Excellency, the Envoy Extraordinary and Minister Plenipotentiary of Cuba to Peru, Señor Don Manuel Marquez Sterling y Loret de Mola;

Who, after having communicated to each other their respective full powers, which were found in good and due form, have agreed upon the following articles:

ARTICLE I

There shall be perfect peace and perpetual friendship between the Peruvian Republic and the Republic of Cuba, as well as between the citizens of the two nations.

¹ Translated from the *Boletín de Relaciones Exteriores* (Peru), Vol. 45, pages 86-106.

ARTICLE II

Cubans in the Republic of Peru and Peruvians in the Republic of Cuba, shall have the most complete and constant protection, as well in their persons as in their property. In consequence, they shall have the right to appear, to claim their rights, before all courts of justice whatsoever, in all degrees of jurisdiction, according to the circumstances of the case and pursuant to the laws of the country, and with the same privileges and immunities already granted, or that may be granted to nationals, so that their civil rights and condition shall exactly correspond with those of the latter.

ARTICLE III

Cubans in Peru as well as Peruvians in Cuba shall have the right of acquiring any kind of property, real or personal, by purchase, gift, exchange, marital participation or by any other means; and of fully disposing of the same in any of the ways permitted by law. Their heirs and legatees shall, in the same manner, be allowed to enter into possession of the inheritance, with or without testament, either by themselves or by their duly authorized agents, without let or hindrance whatsoever, and shall be under no obligation to pay more taxes upon the descent and transfer of property than shall be paid by the nationals of the country where such property is situate. In the absence of heirs or legal representatives, the property, personal or real, shall be treated in the same manner as the property of natives would be treated.

ARTICLE IV

Cubans in Peru and Peruvians in Cuba shall not be liable to arrest or imprisonment without a written warrant issued by a competent court or authority charged with the preservation of the public peace. Nor shall they be liable to banishment from the territories or to be transported from one point to another within the same, without a previous compliance with the legal forms and the fact being communicated to the respective diplomatic or consular agents, so that the latter may take the proper steps for the safeguarding and custody of their property and the property belonging to third parties which may be in their possession.

ARTICLE V

Cubans in Peru and Peruvians in Cuba shall be exempt from all personal service in the national navy, army and militia, guards or reserves,

as well as from all requisitions or military exactions and from any forced loans, either pecuniary or in kind; unless such requisitions, exactions or loans shall be levied or imposed upon the realty, in which case the citizens of both nations shall pay them in the same manner and to an equal extent as nationals. In all other cases, they shall not be burdened in respect to their property, personal as well as real, with other charges or excises than those to which the nationals themselves shall be subject.

ARTICLE VI

The Peruvian Republic and the Republic of Cuba agree that there shall be, reciprocally, full and complete freedom of commerce and navigation for the nationals and vessels of the high contracting parties, in the cities, ports or other places of both of the two states. With regard to the Amazon river, Peru grants to the Republic of Cuba the right of navigating, freely and under its own flag, from the boundary line with Brazil to Iquitos, in which section the same rights and concessions made to all other countries are also granted to the merchant shipping of the Republic of Cuba.

As regards all other rivers, Peru shall permit the Republic of Cuba to enter therein as soon as it shall permit such entry to the subjects or to the vessels of other nations.

ARTICLE VII

The facilities and exemptions which either of the contracting parties shall have granted or henceforward shall grant to neighboring or contiguous states, in order to promote the traffic about the frontier or neighboring regions, whatsoever the boundary lines may be, whether land, fluvial or maritime lines, shall not be claimed as of right, neither those of Peru by Cuba, nor those of Cuba by Peru, so long as such facilities and exemptions shall not be granted to other non-adjacent and remote states.

ARTICLE VIII

Cubans in Peru and Peruvians in Cuba shall reciprocally have the right to enter, travel or reside with entire liberty, within any of the respective territories; to engage in any industry or commerce whether wholesale or retail; to lease or to possess warehouses, buildings, establishments, or lands necessary thereto, to transport goods or money, and to receive consignments from the interior as well as from abroad,

on paying the duties and licenses prescribed by the laws in force for nationals. They shall equally be at liberty, in their sales or purchases, to stipulate and fix the price of the merchandise, effects and objects of any kind, imported as well as domestic; whether they shall sell them in the interior or whether they shall intend them for export, but always adjusting themselves to the laws, rules and regulations of the country.

ARTICLE IX

Cubans in the Peruvian Republic and Peruvians in the Republic of Cuba shall be allowed to carry on and manage their business by themselves or to be represented or assisted by persons duly authorized, whether in the purchase or sale of their property, effects or merchandise, in their custom declarations, or in the loading or unloading or transport of their shipping; and they shall not be subject to other charges, taxes, duties or imposts than those to which nationals shall be subject.

ARTICLE X

The dwellings, factories, warehouses and stores of the citizens of each of the contracting parties situated within the jurisdiction of the other, and all premises appertaining thereto, whether intended as dwellings or for commerce, shall be respected. It shall not be permitted to make searches of or domiciliary visits to such dwellings and premises, nor to examine or to inspect books, papers or accounts, except under the conditions and with the formalities prescribed by law with respect to natives of the country; nor shall the vessels or merchandise of Cubans in the territory of Peru, or of Peruvians in the territory of Cuba, be subject to seizure or condemnation for military expeditions nor for any other public or private purpose without granting to those injured thereby due compensation according to the manner and form in which the same may be granted to nationals.

ARTICLE XI

The Republic of Cuba and the Republic of Peru, with regard to the ownership of trade marks and trade names, as well as with reference to the protection of patents of invention, industrial designs and models and literary and artistic copyrights, agree to accord to the citizens of each of the two high contracting parties, in the territory of the other,

the same treatment which shall be accorded to the citizens and subjects of all other nations.

ARTICLE XII

Cuban vessels that shall come to the ports of Peru and Peruvian vessels that shall go to the ports of Cuba, with cargo or in ballast, shall pay no other or higher duties of tonnage, port, lighthouse, pilotage, quarantine, or others that may affect the vessel's hulk, than those to which the vessels of other states are or shall be subject.

In all that concerns local treatment, placing of ships, loading or unloading, as well as to duties or imposts of ports, basins, docks, anchoring-grounds, havens and rivers of the two countries, and generally with respect to all the formalities and orders to which the merchant vessels, their crews and cargoes may be subject, the privileges, favors, or advantages that shall have been or that shall be granted to the vessels of the other nations, as well as to merchandise imported or exported by those vessels, shall equally be granted to the vessels of the other country and to the merchandise that they may import or export.

ARTICLE XIII

In all things concerning the police of ports, loading and unloading of vessels and the keeping of the goods and merchandise, the citizens of each country shall be subject to the local laws and ordinances of the other country.

ARTICLE XIV

Navigation, tonnage and other duties which are not based upon the capacity of vessels, shall be collected, with regard to the Peruvian vessels in the ports of Cuba, according to the documents of registration of the ship.

The same course shall be pursued with regard to the Cuban vessels in the ports of Peru.

ARTICLE XV

The provisions of the present treaty are not applicable to the coast-wise shipping, whose regimen shall remain subject to the respective laws of the contracting states; provided, however, that the Cuban vessels in Peru, and the Peruvian vessels in Cuba shall be allowed to unload a portion of their cargo at the port of first arrival, and proceed immediately, with the remaining cargo, to other ports of the same state, whether to

finish unloading the same or to complete loading their return cargo, without paying, at either port, other or higher duties than those paid in similar cases by the vessels of other nations.

ARTICLE XVI

Whenever the citizens of either of the two contracting parties, in consequence of stress of weather, damage to the hull or rigging, lack of water, coal or provisions, or any other reason, shall take refuge with their vessels in the ports, basins or territories of the other party, they shall be received and treated as citizens of a friendly nation, subject, however, to the precautionary measures necessary to prevent smuggling. They shall be granted every facility and assistance for repairing the damages suffered, for procuring provisions, and getting into proper condition to continue the voyage, without any obstacle or impediment whatever.

If it should be necessary to unload part of the cargo, or all of it, that portion which shall be unloaded and reshipped shall be liable for the expense incurred for labor and storage. Whenever it shall become necessary to sell only a part of the cargo, to pay the expense of putting into port in distress, the proceeds of such sale shall be subject to the payment of the import duties, if such duties shall be laid thereupon according to law. If a vessel, after being repaired and put in perfect condition of seaworthiness to continue her voyage, should remain in port for more than forty-eight hours, it shall be subject to the payment of duties and other port charges; and if during her demurrage any mercantile transaction shall be engaged in the vessel, as well as the effects unloaded and the products taken on board, shall be subject to the same duties and imposts established by the laws, rules and regulations, as if her arrival had been voluntary.

ARTICLE XVII

The vessels that shall sail under the flag of either country and keep the registers and documents required by the laws of that country for the identification of the nationality of merchant vessels, shall be considered while in the ports of the other country, as vessels of the country under whose flag they sail.

ARTICLE XVIII

If a war ship or merchant vessel belonging to one of the contracting parties should be stranded or wrecked within the territory of the other,

this vessel and all her parts, rigging and appurtenances, as well as the goods and merchandise rescued, including those thrown overboard or the proceeds therefrom, if sold, and the papers found on board of the stranded or wrecked vessel, shall be delivered to her owners or their agents as soon as claimed by them within the time fixed by law, and said owners or agents shall only pay the expenses that may have been occasioned by the preserving of the property, as well as those of salvage and other expenses which a national vessel should pay in a similar case of wreckage. The goods and merchandise recovered from the wreckage shall be exempt from custom duties, unless cleared for consumption, in which case they shall pay the same duties as would have been paid if they had been imported in a national vessel. In case that, on account of stress of weather, a ship should take refuge in a port, or should be stranded or wrecked, the Consuls General, Consuls, Vice-Consuls and Consular Agents, if neither the ship-owners, nor the captain, nor any other agent of the owner should be present, or, if being present, they should request it, shall be authorized to intervene and convey the necessary assistance to their compatriots. Said Consuls General, Consuls, Vice-Consuls and Consular Agents shall have jurisdiction and authority over all actions whatsoever of the ship-wrecked people as well as over the collection and adjustment of the general average, according to the laws of their country; provided that only his co-nationals shall be interested in said average. In other cases, the local authorities only shall have jurisdiction over the same.

ARTICLE XIX

The merchant vessels of either of the parties whose crews shall be incomplete on account of death or other causes, shall be allowed, within the territory of the other to engage the sailors necessary to proceed on their voyages, in accordance, however, with the local laws and ordinances, and under the condition that the engagement of the sailors shall be strictly voluntary on the part of the sailors.

ARTICLE XX

Excepting the case of a judicial sale, the vessels of each of the contracting parties shall not acquire the nationality of the other without a previous certificate of disclaimer of the flag, issued by the proper authorities of the state to which said vessel belongs.

ARTICLE XXI

Bearing in mind that the interoceanic canal which the United States of America is at present building across the Isthmus of Panama is nearing its completion, and the facility with which the Republic of Peru and the Republic of Cuba, thenceforth shall be able to establish directly between themselves an advantageous commercial intercourse which shall invigorate the development of their industries and tighten closer the traditional bonds which unite both countries, the high contracting parties pledge themselves, from this instant employing all means and resources within their reach, to promote, when the Panama Canal shall be finished and opened to the traffic, the direct communication between Cuban and Peruvian ports, and to favor it whenever possible, by granting adequate privileges and advantages to the steamship lines that shall regularly navigate and transport freight, correspondence and passengers, between Peruvian and Cuban territories, or by granting privileges and advantages to the companies of other states which, stopping at the ports of Peru and Cuba, under fixed schedules, shall contribute to the end which is sought by the present clause.

ARTICLE XXII

The vessels in charge of the postal service and belonging to either of the two states, or to companies subsidized by either of them, shall enjoy in the ports of the other the same special privileges incident to the public service to which they shall belong, as well as all other privileges, immunities and favors granted to the postal vessels of other nations.

ARTICLE XXIII

The war vessels of each one of the two nations shall be able to enter, demur and repair damages in those ports of the other, where entry shall be permitted to those of all other states, subject to the same rules and favored with the same honors, advantages, privileges or exemptions which shall have been granted to other states.

ARTICLE XXIV

The merchant vessels of each one of the contracting parties, in the territory of the other, shall be subject to the sanitation laws and authorities, and shall not, in any case, be allowed to avoid complying with

their precepts and provisions. Cuban war vessels in Peru and Peruvian war vessels in Cuba, shall also be subject to the local sanitation laws, and the authorities shall apply to them the rules which they shall judge indispensable and proper, under the circumstances.

ARTICLE XXV

The Peruvian Republic and the Republic of Cuba agree to grant, reciprocally, to their diplomatic agents, the privileges, favors and exemptions which are secured to them by the law of nations; provided that all favors, immunities and privileges that the Peruvian Republic and the Republic of Cuba shall deem advisable to grant to the diplomatic agents of any other Power, shall be, *ipso facto*, extended and granted to those of the contracting parties.

ARTICLE XXVI

The contracting parties, animated by the desire of avoiding differences and litigation which might affect their friendly relations, exclude from diplomatic intervention all cases of claims or complaints made by private individuals affecting matters of a civil, criminal or administrative nature; excepting the cases of denial of justice, extraordinary and illegal delay of justice, failure to give effect to a final judgment, or, after the legal resources have been exhausted, express violation of the existing treaties or of the rules of public as well as private international law which are generally admitted by all civilized nations.

ARTICLE XXVII

In consequence of the principle that the citizens of each one of the high contracting parties shall enjoy within the territory of the other the same rights as the nationals, it is declared that the damages caused by armed factions in case of political uprisings, or by private individuals, or by any sort of unavoidable accident, shall not give rise to claims for special indemnifications. The respective governments, except when there shall be any fault or lack of vigilance on the part of the authorities or their agents, shall not, reciprocally, be held responsible for the extortions or outrages which the citizens of one of the parties shall suffer within the territory of the other in time of civil war. Each government shall be obliged to grant the citizens of the other party, within

its territory, the same protection in their persons and property as is granted its own citizens.

ARTICLE XXVIII

In order to make the protection which the Peruvian Republic and the Republic of Cuba grant to commerce and navigation more effective, both parties agree to receive and admit Consuls General, Consuls and Vice-Consuls in all the ports opened to foreign commerce. These functionaries shall enjoy, within their respective districts, all the rights, privileges and immunities which are accorded to them by the law of nations. In order that the Consuls General, Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, privileges and immunities which belong to them and may exercise their public functions, it shall be necessary for them to present, with authority, their credentials or commissions in due form, so that they may obtain the corresponding exequatur; and from the time the exequatur is granted, they shall be deemed and held as such Consuls General, Consuls and Vice-Consuls by all the authorities, magistrates and inhabitants of their consular district.

ARTICLE XXIX

The archives and official papers of consular functionaries shall be inviolable; on no account shall the authorities of the country to which they are accredited lay any embargo upon, or take cognizance of the same.

ARTICLE XXX

The Consuls General, Consuls and Vice-Consuls, citizens of the state that shall appoint them, shall be exempt from any public office or service as well as from direct personal taxes and all extraordinary taxes. But if such agents are citizens of the country to which they are appointed, or if they are merchants or possessed of any immovable property in the same, they shall be with regard to offices, services and taxes, subject to the same obligations as are all other citizens.

ARTICLE XXXI

It is stipulated that, in the absence of legal heirs or their representatives, the Consuls General, Consuls and Vice-Consuls of each of the parties, shall be, *ex officio*, executors or administrators of the estates of such citizens of their nation as shall have died intestate within their

consular districts and of those intestates who shall die at sea and whose property shall be brought into a port or place included in the aforesaid districts. In either case, this consular representation shall cease as soon as any person entitled to the intestate's estate shall appear.

The consular representation contemplated in this article shall embrace every right and power which might belong to the persons entitled by law to the succession, excepting the receiving of money or effects, in which case special leave or authority shall always be necessary, said moneys or effects being in the meantime deposited with such persons as shall be designated by the court to the satisfaction of the Consul and local authorities. It is understood that all such estates as shall consist of landed interests shall follow, for its descent and distribution, the laws of the nation in respect to foreigners, where the landed interest is situated.

ARTICLE XXXII

The Consuls of either of the contracting parties, in the cities, ports and places of a third Power, where there is no Consul of the other party, shall extend to the persons and property of the nationals of the latter the same protection as they shall extend to the persons and property of their compatriots in so far as their powers shall permit it, without demanding on this account any other fees or emoluments than those which are authorized with regard to their nationals.

ARTICLE XXXIII

In order to protect the commerce and navigation of both states in a more effective manner, said states pledge themselves to conclude as soon as it may be possible, a consular convention which shall regulate the powers and exemptions of their Consuls General, Consuls and Vice-Consuls. In the meantime, however, each of the contracting parties reserves unto itself the right to except those ports and places of its territory in which it shall judge the admission and residence of Consuls General, Consuls and Vice-Consuls of the other party inadvisable; which exclusion or denial shall in all cases be common and general for all nations.

They also declare that their Consuls General, Consuls and Vice-Consuls shall exclusively take cognizance of such questions as may arise between the captains, officers and sailors, relative to contracts and salaries; the local authorities intervening only in cases of disorder amount-

ing to breaches of the tranquility of the port and public peace either on land or upon the territorial waters; or when in such disorders there shall be implicated some native person, or some person outside the crew; or in order to assist and help the Consular Agents who shall require it; provided that the purpose and the measure to be taken shall not exceed the scope or the time allowed by the constitution or the laws in force at the place.

ARTICLE XXXIV

The provisions of the present treaty are not applicable to the industry of fisheries, whose exercise remains in the respective territory subject to the laws of each state.

ARTICLE XXXV

Each of the high contracting parties, in order to avoid friction which might alter their fraternal relations, agrees to abstain from sending to the territory of the other party, immigration agents who shall try to influence laborers to emigrate to the other country. It is equally agreed by each party to subject the immigration agents, officers or other persons belonging to any company or corporation, of the other party to the local penal laws, reserving unto itself the right to expel them from the territory, whenever the authorities shall thus prefer it, without any other requisite, once the guilt has been established, than to previously report the fact, by courtesy, to the legation of the other party.

ARTICLE XXXVI

If by misfortune peace between the two states should be interrupted, it is agreed with the object of diminishing the evils of war, that the citizens of each of them residing in the cities, ports and territories of the other and who shall be there engaged in commerce or any other profession, shall be allowed to keep their residence and to continue their business, provided they shall not be guilty of any violation of the laws of the country. In case their conduct should make them forfeit such privileges, or whenever the respective government shall judge it necessary to make them leave its territories, they shall be granted a length of time sufficient to arrange their affairs. In no case of war or collision between the two nations, shall the goods, effects and property of any description belonging to their citizens, be subject to seizure or any

embargo whatsoever, nor to any charges or imposts other than those exacted from the nationals. In the same manner, during the interruption of peace, neither shall debts owed by private persons, nor the government bonds, nor bank shares or any other kind of stock be attached, seized or confiscated to the detriment of the respective citizens and benefit of the country of their residence.

ARTICLE XXXVII

The Peruvian Republic and the Republic of Cuba agree to recognize the following principles in case of war between either of them with a third nation:

1. The vessels of that one of the two contracting parties which shall remain neutral, shall be able to navigate freely from hostile ports and places to neutral ports and places, or from a neutral port or place to a hostile port or place, or from a hostile port or place to another hostile port or place, excepting such ports and places as may be blockaded; and in all these cases any property on board of such vessels shall be free whoever shall be its owner, excepting contraband of war. Every person on board of the neutral vessel shall be equally free, even although such person be a citizen of the hostile nation, provided he is not in the actual service of the hostile government, nor bound for such service.

2. The persons and property of the citizens of that one of the two contracting parties which shall remain neutral, shall, in case of war by the other, be free from all detention and confiscation, even although they shall be found on board of a hostile vessel, unless such persons shall be in the enemy's service or bound for the same, or unless the property shall be of such a description as constitutes contraband of war.

3. The stipulations contained in this article, declaring that the flag covers property and persons, shall be applied only to those Powers which already recognize or which in the future shall recognize this principle, and not to any others.

ARTICLE XXXVIII

The freedom of commerce and navigation stipulated in the previous clauses shall be extended to all kinds of merchandise, excepting only those articles classified as contraband of war, a denomination in which are comprised:

1. The cannon, mortars, guns, rifles, carbines, pistols, swords, sabres,

grenades and bombs, gunpowder, dynamite and all other explosive substances known to be for use in war; fuses, cannon balls, torpedoes and everything else pertaining to the use of such arms.

2. Shields, helmets and garments made in form and for military use.

3. Cartridge-belts and horses and their harnesses; and

4. All species of offensive and defensive arms, made of iron, steel, bronze, copper and other materials expressly manufactured, prepared or shaped to wage war either on land or upon the sea.

ARTICLE XXXIX

Any other merchandise or objects not included among those expressly enumerated in the preceding article, shall be considered as matter of free and legitimate commerce: they shall be carried and transported, freely, by the citizens of the two contracting states, to ports or places belonging to the enemy, excepting only such as shall be, at that time, besieged or blockaded, surrounded or attacked by a force strong enough to prevent neutrals from entering the same.

ARTICLE XL

The merchandise and objects enumerated and classified as contraband of war, which shall be found on board a vessel bound for any hostile port or place, shall be subject to detention and confiscation, leaving the rest of the cargo and the vessel itself free and at the disposal of their owners. No vessel belonging to any of the contracting parties shall be detained on the high seas on account of having on board merchandise and objects of contraband of war, provided the captain or supercargo of said vessel shall deliver the merchandise and objects of contraband of war to the captor. If the bulkiness or quantity of such merchandise and objects should render it impossible to receive them on board the capturing ship, the vessel shall be sent to a convenient, immediate and secure port to be there tried according to law.

ARTICLE XLI

The Republic of Peru and the Republic of Cuba recognize the right which each of them reserves unto itself in case of war with a third Power, to visit and examine the ships and their cargoes of the two contracting parties on the high seas. In order to prevent disorders during

the visiting and examining procedure they agree that whenever an armed vessel of the belligerent party shall meet with a neutral vessel of the other party, the former shall remain at the farthest distance consistent with the possibility and certainty of executing the visit upon the latter, the circumstances of wind and sea being considered; and shall send one of her small boats, with no other persons on board than those necessary to man the same, in order to make the inspection of the papers relative to the ownership and cargo of the vessel. In no case shall it be required that the neutral party shall go on board the armed vessel in order to exhibit her documents, nor for any other purpose; and the commanders of the armed vessels shall be held responsible, with their persons and property, for the damages and injuries which they shall wilfully cause to the neutral.

ARTICLE XLII

The high contracting parties are of accord that, in case one of them shall be engaged in war, every vessel of the other shall be provided with sea-letters, letters-patent or passports, in which shall be stated the name and size of the vessel and the name, nationality and residence of her owners, in order that it shall appear from them that the vessel belongs to citizens of the neutral party. They are equally of accord that, besides the sea-letters, letters-patent, or passports, the vessels shall carry manifests or certificates issued by the authorities of the port of sailing. In order to ascertain whether there are on board prohibited effects or contraband of war, these manifests or certificates shall contain the details of their cargo and state the place where the same was shipped. Without these manifests and certificates the vessel may be detained, in order to subject her to the proper court having jurisdiction, or to declare her a legal prize, unless it shall be proved that the omission was due to accident, or shall be replaced instead by a testimonial to the satisfaction of the aforesaid court.

ARTICLE XLIII

Both states agree that the stipulations contained in the present treaty, relative to the examining and visiting of neutral merchant vessels, shall be applicable only to those which shall navigate without convoy; the written declaration of the commander upon his word of honor stating that the vessel under his command belongs to the nation whose flag they carry being sufficient in other cases; and whenever they shall be

bound for a hostile port, upon the written declaration of the commander upon his word of honor that they do not carry contraband of war.

ARTICLE XLIV

Considering that it frequently happens that vessels will navigate towards a port or place belonging to the enemy not knowing that such are besieged or blockaded, the high contracting parties agree that, all vessels which shall be found in such condition, may be prevented from entering the port, but neither the vessel herself nor any part of her cargo which is not contraband of war shall be detained or confiscated; unless said vessel shall again attempt an entry after having been apprised of the blockade and siege by the commander of one of the blockading vessels, by means of a notation made by himself on the charter of the merchant vessel, mentioning the date and latitude or longitude in which said notation was made, and saving, as to the cargo, the case in which the latter shall belong to a person different from the owner of the ship, and said owner shall succeed in proving that he had no knowledge of the violation of the blockade.

ARTICLE XLV

No vessel of either of the contracting parties, which shall have entered a port before its being besieged, blockaded or attacked by the other party, shall be prevented from unloading her cargo; nor be subject with it to confiscation or to any demand whatsoever, on account of being there before or after the reduction or surrender; but the owners shall be undisturbed in the peaceful possession of their property. If a vessel which entered the port before the blockade had been established should afterwards take on board a cargo, she shall be apprised by the blockading forces of the necessity of returning to the said port and leaving her cargo there. If after having received this notice, she should persist in departing with her cargo, she shall expose herself, without responsibility to the blockading party, to the same consequences as the vessel is exposed which attempts to enter the port, after receipt of the proper notice from the blockading forces.

ARTICLE XLVI

It is stipulated that prize causes shall be decided by special courts created for that purpose by the respective laws of each republic; and

that these courts shall be the only ones that shall take cognizance of such causes. Whenever the aforesaid courts of either party shall render any decision relating to any vessel, effects or property, claimed by citizens of the other party, the sentence or decision shall set forth the reasons or causes upon which the court shall rest the same; and an authenticated copy of the sentence or of all the record, provided the legal fees are paid, shall be delivered to the commander or agent of said vessel or property, if they should thus request it.

ARTICLE XLVII

The contracting states desiring to maintain firm and lasting their friendly relations, are of accord and agree that if any citizen or citizens of either contracting party, shall infringe any of the articles of this treaty or any one or some of the stipulations existing between the two countries, the infringer or infringers shall be held personally responsible for the infraction, without thereby disturbing or interrupting the harmony and friendly relations between the two republics, which by these presents pledge themselves not to protect the infringers nor to authorize in any sense said infractions.

ARTICLE XLVIII

Nothing contained in this treaty shall be construed in any manner to produce an effect contrary to the treaties previously concluded with other nations and still in force.

ARTICLE XLIX

The controversies that may arise over the interpretation or execution of this compact or consequences which may follow its possible violations, shall be submitted, when the means for a direct settlement through diplomatic channel shall be exhausted, to the Permanent Court of Arbitration at The Hague; it being well understood, that, in case one of the two high contracting parties shall thus prefer it, the arbitration shall take place before the chief magistrate of a friendly state, or before arbiters selected, without limitation, from the lists of the aforesaid Permanent Court of Arbitration at The Hague.

ARTICLE L

The present treaty shall be perpetual with regard to the stipulations in Article I; and with regard to all others, it shall extend for a term

of ten years, to be computed from the day on which the exchange of ratifications shall take place; in case that neither of the two contracting parties shall have notified the other, within twelve months previous to the expiration of said period of ten years, of its intention to terminate the same, it shall continue in force and effect for another year until the expiration of a year, to be computed from the date in which one of the parties shall make this notification of denouncement to the other.

ARTICLE LI

The President of the Republic of Peru, with the approval of the Congress, and the President of the Republic of Cuba, with the previous approval of the Senate, shall ratify this convention, and the ratifications thereof shall be exchanged at Lima or at Havana within the shortest possible time.

In faith whereof, both plenipotentiaries have signed the present treaty, in duplicate, and hereunto affixed their individual seals, at the city of Lima, this twenty-fourth day of April, one thousand nine hundred and twelve.

GERMÁN LEGUÍA Y MARTINEZ

MANUEL MÁRQUEZ STERLING Y LORET DE MOLA

PANAMA CANAL TOLLS¹

The Secretary of State to Chargé d'Affaires Laughlin

No. 1833.]

DEPARTMENT OF STATE,
Washington, January 17, 1913.

IRWIN B. LAUGHLIN, ESQUIRE,

American Chargé d'Affaires, London, England.

SIR: I enclose a copy of an instruction from Sir Edward Grey to His Britannic Majesty's Ambassador at Washington, dated November 14, 1912, a copy of which was handed to me by the Ambassador on the 9th ultimo, in which certain provisions in the Panama Canal

¹ Printed from pamphlet issued by the Department of State.